

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

YVONNE VALLIANT,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 1:08CV70 HEA
	)	
CARUTHERSVILLE HOUSING AUTHORITY,	)	
a municipal corporation, and ELIZABETH	)	
HIGHTOWER, in her official capacity as	)	
executive director of the Caruthersville Housing	)	
Authority,	)	
	)	
Defendants.	)	

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on Defendants' Motion to Dismiss, [Doc. No. 11]. Plaintiff originally filed an opposition to the Motion, to which Defendants replied. For the reasons set forth below, the Motion is denied, without prejudice.

Defendants filed their Motion to Dismiss Plaintiff's Complaint on the grounds that it failed to state a cause of action and to dismiss the supplemental state law claims. Subsequent to the filing of this Motion, Plaintiff has filed an Amended Complaint, thereby rendering the Motion to Dismiss moot.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss, [Doc. No. 11], is denied as moot and without prejudice to refiling as to Plaintiff's

Amended Complaint.

**IT IS FURTHER ORDERED** that the Joint Stipulation entered between the parties and approved by the Court on May 27, 2008, shall remain in effect under the following modified terms: If Defendants file a Motion to Dismiss the Amended Complaint and the Court grants the Motion, the Month to Month Lease now in effect terminates, without waiving any defenses under the Original Lease. If the Court denies any said Motion to Dismiss, the Lease remains in effect until the date of Trial.

All other terms of the Stipulation remain as set forth in the original Joint Stipulation.

Dated this 15th day of July, 2008.

A handwritten signature in cursive script, appearing to read "Henry Edward Autrey", is written above a horizontal line.

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE